

Translation

**LAND DEVELOPMENT ACT,
B.E 2526 (1983)**

BHUMOBOL ADULYADEJ, REX.;

Given on the 1st Day of October B.E. 2526;

Being the 38th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on land development;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows.

Section 1. This Act is called the "Land development Act, B.E. 2526".

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.*

Section 3. In this Act:

"land development" means any act done to soil or land in order to increase its richness or quality, or to increase agricultural produce, and includes the improvement of soil or land which lacks natural fertility or lacks fertility due to its utilisation, and soil and water conservation to maintain natural balance or for suitable utilisation of land for agriculture;

"policy making and planning for land utilisation" means the policy making and planning for land utilisation appropriate for the land condition and conforming with the categories of classified land;

"soil" includes stone, gravel, sand, minerals, water and other organic material mixed with soil;

"land" means land under the Land Code;

"land census" means survey, particulars of possessory rights in details, list of farmers utilising land for agriculture, residence, commerce and industry;

"land economics" means economic relationship between the population and land;

"Committee" means the Land Development Committee;

"member" means a member of the Land Development

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Committee;

"competent official" means a person appointed by the Minister for the execution of this Act;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 4. There shall be a committee called the "Land Development Committee" comprising the Minister of Agriculture and Cooperatives as Chairman, Permanent Secretary of Agriculture and Cooperatives as Deputy Chairman, Secretary-General of the National Economic and Social Development Board, Director-General of the Land Department, Director-General of the Department of Public Welfare, Director-General of the Royal Forestry Department, Director-General of the Royal Irrigation Department, Director-General of the Department of Agricultural Extension, Director-General of the Department of Agriculture, Secretary-General of the Office of Agricultural Land Reform, Secretary-General of the Office of Agricultural Economics and not more than three qualified persons appointed by the Minister as members, and the Director-General of the Land Development Department as member and secretary.

Section 5. The Committee shall have the following powers and duties:

(1) to consider land classification, planning for land utilisation, land development and determination of areas for land utilisation for submission to the Council of Ministers for approval so that their implementation may be carried out by the agencies concerned;

(2) to determine the areas for land survey under section 11;

(3) to prescribe measures for soil or land improvement or measures for soil and water conservation so that the State agencies concerned may employ them and advise the farmers to that effect;

(4) to approve the establishment of land development agencies at various levels in any area in order to provide direct technical assistance, demonstration and advice to farmers in cases where measures for soil or land improvement or measures for soil and water conservation as prescribed by the Committee require techniques which cannot be given to farmers through promotional method;

(5) to prescribe regulations, rules, or conditions relating to applications for analysis of soil samples or applications for soil or land improvement in cases under section 14;

(6) to prescribe regulations relating to performance of duties by a

sub-committee;

(7) to carry out other work as defined by laws to be the duties of the Committee or as entrusted by the Council of Ministers.

In the performance of duty under this section, the Committee may assign the Land Development Department to carry out or prepare and submit proposals to the Committee for consideration.

Section 6. The members appointed by the Council of Ministers shall hold office for a term of three years.

In the case where a member is appointed during the term of

members already appointed, notwithstanding it is a new or additional appointment, the appointee shall hold office for the remaining term of the members already appointed.

A member vacating office may be re-appointed.

Section 7. Apart from vacating office at the end of the term under section 6, the members appointed by the Council of Ministers shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Council of Ministers by reason of inability to perform normal duties or misconduct;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being sentenced to imprisonment by a final judgment except for an offence committed through negligence or a petty offence.

Section 8. In a meeting, if the Chairman is absent or is unable to perform his duty, the Deputy Chairman shall preside over the meeting. If the Chairman and the Deputy Chairman are absent or are unable to perform the duty, the members present shall elect one among themselves to preside over the meeting.

At every meeting, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The decision of the meeting shall be by a majority of votes. Each member shall have one vote and in case of an equality of votes, the person presiding over the meeting shall cast an additional vote as a casting vote.

Section 9. The Committee may appoint a sub-committee to consider or carry out any act assigned by the Committee.

At the meeting of the sub-committee, the provisions of section 8

shall apply mutatis mutandis.

Section 10. The Land Development Department shall have the duties to carry out a survey and analysis of soil or land in order to ascertain the fertility and suitability for the utilisation of land, to effect land classification and land development, to prepare census of land or economic condition of land pursuant to this Act and to carry out other matters as assigned by the Committee.

The Land Development Committee shall have the power concerning statistics under the law on statistics in matter relating to the preparation of census of land pursuant to this Act.

Section 11. For the benefit of surveying the fertility of land and suitability in the utilisation of land, the Committee may order the carrying out of a land survey.

Whenever it is deemed expedient to carry out a land survey in any area, the Committee shall publish in the Government Gazette a notification determining the area for land survey. Such notification shall have a map

showing the area to be surveyed attached thereto, and such map shall be considered as part of the notification.

Section 12. Within the area to be surveyed under section 11, the competent official shall have the power to enter, during the period between sunrise and sunset, the land which has owner or possessor in order to collect a soil or water sample or to make a survey mark in the soil or water as deemed suitable and necessary; but the owner or possessor shall, within reasonable time in advance, be informed in writing. If the owner or possessor cannot be communicated, a notice to the owner or possessor shall be put up not less than fifteen days in advance. Such notice shall be in writing and put up at the place where that land is situated, at Khet or Amphoe office and Kamnan or the Khwaeng office where that land is situated, provided that the time and the nature of the act to be performed shall be given therein.

In the performance of duties under this section, the persons concerned shall provide appropriate facilities and, for this purpose, the competent official shall produce his identity card to those concerned.

The identity card of the competent official shall be in the form prescribed by the Ministerial Regulation.

Section 13. In the performance of duty under this Act, the competent official shall be the official under the penal Code.

Section 14. Any individual wishing the Land Development Department to analyse a soil sample or carry out soil or land improvement or soil and water conservation shall submit an application to the local land

development agency where the land is situated; if there is no such agency, the application shall be submitted to Amphoe.

In carrying out the analysis of a soil sample or soil or land improvement or soil and water conservation under paragraph one, the applicant shall pay for the expenses as prescribed in the Ministerial Regulation.

In the case where a farmer wishes the Land Development Department to carry out the analysis of a soil sample or carry out soil or land improvement for his agriculture, if the soil sample is brought to the Land Development Department, the expenses under paragraph two shall be waived and the Land Development Department shall inform the applicant of the result of the analysis of the soil sample within reasonable time including giving advice on the soil or land improvement for agriculture.

Section 15. Whoever causes damages, destroys, alters, removes or pulls out a survey mark made by the competent official under section 12 without permission from the competent official shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

Section 16. Whoever obstructs competent officials performing their duties under section 12 shall be liable to a fine not exceeding one thousand Baht.

Section 17. The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have power to

appoint competent officials and issue Ministerial Regulations for the execution of this Act.

Such Ministerial Regulations shall come into force after their publication in the Government Gazette.

Countersigned by:

General P. Tinsulanonda
Prime Minister

Certified correct translation

(Taksapol Chiemwichitra)
Office of the Council of State